

SENATE BILL 3579

By Tate

AN ACT to amend Tennessee Code Annotated, Section 49-4-915, relative to postsecondary financial assistance from net lottery proceeds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-4-915, is amended by deleting the section in its entirety and by substituting instead the following:

§ 49-4-915.

(a) To be eligible for an ASPIRE award, a student shall:

(1) Be eligible for a Tennessee HOPE scholarship; and

(2) Have an adjusted gross income attributable to the student that does not exceed thirty-six thousand dollars (\$36,000).

(b)

(1) Such student shall receive the Tennessee HOPE scholarship award under § 49-4-914 and an ASPIRE award. Subject to the amounts appropriated by the general assembly, and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, the ASPIRE award for the 2008-2009 academic year for full-time students shall consist of a grant of seven hundred fifty dollars (\$750) and seven hundred fifty dollars (\$750) that is earnable in the ASPIRE work-study program. For academic years subsequent to the 2008-2009 academic year, the amount of such ASPIRE award shall be determined in accordance with § 4-51-111 and shall be set in the general appropriations act. Both the Tennessee HOPE scholarship and the ASPIRE award are subject to the amounts appropriated by the general assembly and any provision of law relating to a shortfall in funds

available for postsecondary financial assistance from the net proceeds of the state lottery.

(2) The ASPIRE award in each academic year shall consist of two (2) equally funded parts. One-half ($\frac{1}{2}$) of the award shall be a grant payable to a student who qualifies for the award. The other one-half ($\frac{1}{2}$) of the award shall be earnable in the ASPIRE work-study program.

(c) TSAC shall establish and implement an ASPIRE work-study program in which eligible students shall earn the work-study portion of the ASPIRE award. The ASPIRE work-study program shall provide work opportunities for ASPIRE students in public schools in this state and in after school programs offered under title 49, chapter 6, part 7. ASPIRE students shall be employed to tutor, mentor or otherwise assist elementary and secondary students in improving academic performance in order that such students may eventually qualify for Tennessee HOPE scholarships.

(d) The board of education of any LEA may, by resolution, determine that the LEA will participate in the ASPIRE work-study program. If an LEA determines that it will participate in the ASPIRE work-study program, it shall identify for approval by TSAC tutoring, mentoring and other work opportunities for ASPIRE students that will assist public school students in improving academic performance. Once an LEA has determined that it will participate in the ASPIRE work-study program, it may by resolution withdraw participation. Such withdrawal shall be effective in the school year next succeeding the date of the resolution.

(e) An organization operating an after school program pursuant to §§49-6-701—49-6-704 may determine, with the approval of the department of education, that the organization's after school program will participate in the ASPIRE work-study program. If an organization operating such after school program determines that it will participate

in the ASPIRE work-study program, it shall identify for approval by TSAC tutoring, mentoring and other work opportunities for ASPIRE students that will assist students in the after school program in improving academic performance. Once an organization operating such after school program has determined it will participate in the ASPIRE work-study program, it may withdraw participation. Such withdrawal shall be effective for the school year next succeeding the date of its decision to withdraw.

(f) The department of education may permit ASPIRE students to participate in work-study programs in pilot after school programs offered pursuant to §49-6-705.

(g) The ASPIRE work-study program shall pay no less than ten dollars (\$10.00) per hour to students employed in the program. Students in the program shall work no more than ten (10) hours per week and shall not work during examination periods at the postsecondary institutions at which they are attending. No student shall be eligible to earn more than one-half (1/2) the total ASPIRE award per academic year in the ASPIRE work-study program.

(h) TSAC shall notify students eligible for ASPIRE awards annually of the requirements of the ASPIRE work-study program.

(i) To be eligible for the ASPIRE work-study program, a student shall:

(1) Be eligible for an ASPIRE award; and

(2) Undergo a criminal background check, which shall include:

(A) Supplying a fingerprint sample and submitting to a criminal history records check to be conducted by the Tennessee bureau of investigation;

(B) Agreeing to the release of all investigative records to TSAC for examination for the purpose of verifying the accuracy of criminal violation information; and

(C) Signing an authorization and release form provided by TSAC, authorizing a qualified Tennessee licensed private investigation company by and on behalf of TSAC to complete a criminal history records check.

If TSAC finds that a student's criminal background check is such that the student should not participate in the ASPIRE work-study program, then such student shall be eligible only for the grant portion of the ASPIRE award.

(j)

(1) As used in this section, "qualified Tennessee licensed private investigation company" means a company that is licensed by the department of commerce and insurance, insured with at least three million dollars (\$3,000,000) worth of errors and omissions insurance and that carries sufficient indemnification coverage.

(2) Any reasonable costs incurred by the Tennessee bureau of investigation in conducting criminal background investigation of an applicant shall be paid by the applicant. The applicant shall be provided a copy of all criminal history records check documentation. In lieu of additional criminal history records checks for subsequent applications, the applicant may submit copies of the applicant's initial criminal history records check documentation and shall not be required to pay any additional costs.

(k) Prior to a student beginning work in the ASPIRE work-study program and an employing LEA or after school program permitting a student to begin work, TSAC shall provide to the student and the employing LEA or after school program a student placement form. This form shall specify the periods during which a student is eligible to work, the TSAC approved hourly pay rate, the maximum number of hours the student may work each week, and the maximum amount the student may earn through the

ASPIRE work-study program. If an employing LEA or after school program permits a student to begin work without receiving a student placement form, the employing LEA or after school program is responsible for paying the student in full for all hours worked prior to receiving the placement form.

(l) Employing LEAs and after school programs may be permitted to interview students applying to work in the ASPIRE work-study program. No student shall be denied participation in the ASPIRE work-study program because of race, color, national origin or sex.

(m) At no time shall a student be left alone in a work-study assignment without the supervising presence of a paid, full-time employee of the employing LEA or after school program.

(n) The employing LEA or after school program shall immediately contact TSAC, if the employing LEA or after school program:

(1) Has concern about an ASPIRE work-study student's performance; or

(2) Requests reassignment or dismissal of an ASPIRE work-study student.

(o)

(1) TSAC is authorized to promulgate rules and regulations to effectuate the purposes of this section. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

(2) The commissioner of education is authorized to promulgate rules and regulations to effectuate the purposes of this section, including, but not limited to, the participation in the ASPIRE work-study program by LEAs and organizations offering after school programs and the employment of ASPIRE students in the

pilot after school programs under § 49-6-705. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 2. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated from the lottery for education account by the general appropriations act.

SECTION 3. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on July 1, 2008, the public welfare requiring it.